

Appl. No.: 09/779,973
Amdt. dated 03/23/2005
Reply to Office Action of 12/30/04

REMARKS/ARGUMENTS

Applicants appreciate the thorough review of the application as evidenced by the Official Action. The Official Action rejects Claims 1-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,134,534 to Walker et al. ("Walker").

In light of the Official Action and cited reference, Applicants submit that independent Claims 1, 12, 19, 27 30, and 31 are patentably distinguishable from Walker. Independent Claim 31 has been amended to further patentably distinguish the claim from the cited reference. In light of the claim amendments and subsequent remarks explained more fully below, Applicants respectfully request reconsideration and allowance of the claims.

(A) Independent Claims 1, 12, and 19

Independent Claim 1 recites a system for auctioning consumer demand that includes a request adaptor that receives a first data set (e.g., PNR) in a first protocol, converts the first data set into a second data set (e.g., standard protocol) in a second intermediate protocol, and then converts the second data set into a third data set (e.g., travel request) in a third protocol. Similarly, Claims 12 and 19 recite a system and method, respectively, that include a request adapter for receiving a PNR from a distribution system (e.g., GDS) and converting the PNR into a travel request.

Thus, each of independent Claims 1, 12, and 19 recites that a first data set or PNR is converted into a travel request for further processing. As disclosed in the present application, a travel request submitted to a distribution system is normally in the form of a PNR. With reference to Figures 1 and 2 of the present application, a travel request adapter 120 converts the PNR into a data format for further processing, and an adapter 210 converts the PNR into a standard format, such as EXtensible Markup Language (XML), Common Object Request Broker Architecture (CORBA), or Enterprise JavaBeans (EJB). A travel request converter 220 then converts the PNR in the standard protocol into a travel request.

Walker discloses a system and method for aggregating multiple buyers utilizing conditional purchase offers (CPO's). The buyer submits a CPO that includes one or more

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conditions for the purchase of goods and/or services, and even though the CPO is "conditional," the buyer is bound if the seller accepts the CPO. Predefined CPO rules established by a seller are used by a CPO management system to determine whether any seller is willing to accept the CPO. The CPO management system is also capable of generating a counteroffer if the CPO is within predefined tolerances of the seller's CPO rules. If a seller accepts the CPO or the buyer accepts the counteroffer, the CPO management system binds the buyer(s) on behalf of the accepting seller. Walker also discloses that if multiple sellers accept the CPO, the system performs a post-sell multi-bind process that permits each seller to directly market to the buyer, and the customer then selects which seller to use and is bound to the terms of the CPO.

Walker does not disclose converting data sets or PNR's into travel requests. Walker only discloses that the buyer submits a CPO to the CPO management system; there is no conversion of the CPO into a different data format for processing by the CPO management system. The CPO management process 1600 of Walker only discloses that the CPO management central server receives the customer information, itinerary, price, and other restrictions from the customer, and a record of the CPO is created in the CPO database 900. Thereafter, the CPO management process submits the CPO to an evaluation process 1700 for comparison with CPO rules, where one or more sellers may accept or reject the CPO or submit a counteroffer. Walker only discloses using a PNR when a CPO ultimately results in a ticket being booked for the customer. The PNR is stored in the CPO database, but there is simply no teaching or suggestion that the PNR is converted into a travel request.

In light of the remarks set forth above, Applicants respectively submit that the rejection of independent Claims 1, 12, and 19, and those claims that depend therefrom, under 35 U.S.C. § 102(e) is therefore overcome.

(B) Independent Claims 27 and 31

Independent Claim 27 recites a method for booking a travel request that includes receiving the travel request, and continuously shopping the travel request at a distribution system. The method also includes reevaluating a price offered at the distribution system to fulfill the travel request, and booking the travel request at the distribution system if it is determined that

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an appropriate price is offered at the distribution system. Independent Claim 31 has been amended to additionally recite repeatedly shopping the travel request at a distribution system in pre-determined time intervals until the travel request is satisfied.

As disclosed in the specification of the present application, a trading engine 410 receives information from a fare and availability monitor 160, which continually transmits information such as fare changes and reservation cancellations occurring in a GDS 110. Using the fare and availability monitor 160, the dynamic packaging orchestrator and continuous shopping engine module ("DPO/CSE module") continuously shops for travel products or services that are capable of satisfying the travel request. The DPO/CSE may also utilize time triggers 162 that cause a re-shop if a time interval passes without a fare or availability event triggering a reevaluation of the request. Thus, the DPO/CSE module continuously shops the travel request at the GDS and reevaluates fares and availability at the GDS to find products or services that satisfy the travel request.

Walker does not teach or suggest continuously or repeatedly shopping a travel request at a distribution system and/or reevaluating a price offered at the distribution system to fulfill the travel request. In contrast, Walker only discloses that a buyer submits a CPO that includes a price and restrictions that the seller may accept, reject, or submit a counteroffer. Walker does not disclose monitoring fare changes or reservation cancellations in a GDS that are used to continuously shop for travel products or services that satisfy the travel request. Walker discloses that the CPO management system may query a CRS to identify possible flights that satisfy the customer's itinerary restrictions, but the system in Walker is not continuously shopping the CPO at the CRS or reevaluating the price offered at the CRS. In addition, counteroffers are not generated based on shopping the CPO at a GDS and the price offered at the GDS to satisfy the travel request is not then reevaluated. Rather, the counteroffers are generated when a CPO does not otherwise satisfy the restrictions defined by a CPO rule, but falls within predefined tolerances of the CPO rule. Furthermore, Walker does not teach or suggest continuously shopping in predetermined time intervals for fares or availability at a GDS that are capable of satisfying the request. Walker only states that the CPO management system communicates with

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a CRS for availability information, but nowhere discloses how often this occurs other than when a consumer submits a CPO.

As such, Applicants submit that the rejection of independent Claims 27 and 31, and those claims that depend therefrom, under 35 U.S.C. § 102(e) is therefore overcome.

(C) Independent Claim 30

Independent Claim 30 recites a dynamic packaging orchestrator and continuous shopping engine (DPO/CSE) that includes a dynamic packaging management module for dividing one or more grouped travel requests into a plurality of individual requests represented in the one or more grouped requests and creating additional requests based on flexibility rules. The DPO/CSE also includes a dynamic connection constructor module for receiving the one or more grouped requests and generating a list of alternate requests based on a consumer's flexibility, and submitting the alternate requests to the dynamic packaging management module. In addition, the DPO/CSE includes a bid management module for receiving the plurality of requests, the additional requests, and the alternate requests from the dynamic packaging management module. Each of the requests are offered for bidding and when a bid is received, a determination is made to ascertain if the bid is acceptable before booking the bid.

Thus, the dynamic packaging management model may split up grouped travel requests into individual travel requests. For example, a request for flight, car, and hotel would be divided into three separate requests. In addition, flexibility rules, such as alternate airlines, departure times, arrival times, vehicle types, and/or hotel chains specified by the consumer, may be used to create additional requests for submitting to sellers for bidding along with the individual requests. Moreover, the dynamic flight connection constructor module generates a list of alternative requests that may include, for example, multiple connections between departure and arrival location for a flight in the original travel request. Each of the individual, additional, and alternate requests are offered to sellers for bidding.

In contrast, Walker does not disclose dividing one or more grouped travel requests into a plurality of individual requests represented in the one or more grouped requests. A customer submits a CPO for a specific product or service, such as airline or cruise tickets. Although

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Walker discloses that the system is also applicable to automobiles, insurance, computer equipment, or hotel accommodations, Walker does not disclose submitting a CPO that may be subsequently split into more than one travel request.

Furthermore, Walker does not disclose creating additional requests based on flexibility rules. A CPO is a binding offer that a seller may either accept, reject, or submit a counteroffer. As such, Walker does not disclose using flexibility rules to create additional CPO's based on flexibility rules since the CPO is meant to be binding and submitting more than one CPO would create multiple binding offers. As disclosed in Walker, "[a] CPO is a binding offer containing one or more conditions submitted by a customer for the purchase of a product, such as a good or service, including airline or cruise travel, at a customer-defined price" (Walker, Col. 2, lines 63-67). Thus, it seems counterintuitive to the teaching of Walker to create additional binding requests based on flexibility rules given that the customer would be bound to more than one good or service if accepted by respective sellers.

Similarly, Walker also does not teach or suggest generating a list of alternate requests based on a consumer's flexibility. As described above, Walker only discloses that a consumer submits a binding CPO to a CPO management system. Since the submission of the CPO is a binding offer, Walker not only fails to describe the generation of alternate requests, but the generation of multiple requests would prove unworkable in Walker since the multiple requests would effectively create several binding offers. As also recited by independent Claim 30, each of the individual, additional, and alternate requests are submitted for bidding, and the bid management module determines whether one or more of the bids are acceptable before booking. Thus, Walker teaches away from using several bids given the binding effect of a CPO when accepted.

Therefore, Applicants respectfully submit that independent Claim 30 is distinguishable from the cited reference, and that the rejection under 35 U.S.C. § 102(e) has been overcome.

(D) Information Disclosure Statement

It is noted that an initialed copy of the PTO Form 1449 that was submitted with Applicants' Information Disclosure Statement filed May 24, 2001 has not been returned to

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Applicants' representative with the Office Action. Accordingly, it is requested that an initialed copy of the Form 1449 be forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, a copy of the Information Disclosure Statement and the Form 1449 are attached hereto. Copies of the cited references were provided at the time of filing the original Information Disclosure Statement and, therefore, no additional copies of the references are submitted herewith. Applicants will be pleased to provide additional copies of the references upon the Examiner's request if it proves difficult to locate the original references.

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CONCLUSION

In view of the amendments and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

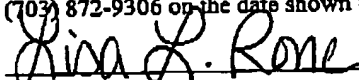


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3/23/05
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